

**BEFORE THE STATE BOARD OF MEDIATION
STATE OF MISSOURI**

NATIONAL FEDERATION OF WATER)	
DEPARTMENT, MUNICIPAL &)	
GOVERNMENT EMPLOYEES, LOCAL 675,)	
)	
Petitioner,)	
)	
MISCELLANEOUS DRIVERS & HELPERS,)	
LOCAL UNION NO. 610,)	
)	
Intervenor,)	
)	
vs.)	Public Case No. 79-037 and 79-045
)	
CITY OF ST. LOUIS, MISSOURI,)	
)	
Respondent.)	

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION**

JURISDICTIONAL STATEMENT

This case appears before the State Board of Mediation upon the National Federation of Water Department, Municipal and Government Employees, Local No. 675 filing a petition for certification as public employee representatives of all non-management, non-supervisory and non-clerical employees of the City of St. Louis Refuse Division. Subsequent to the filing of the above petition, the Miscellaneous Drivers and Helpers Union, Local No. 610, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, filed a petition to intervene as a public employee representative of a bargaining unit comprised of the above-named Refuse Division employees and other employees of the City of St. Louis Street Division. On November 14, 1979, a hearing was held in Clayton, Missouri at which representatives of

Local No. 675, Local No. 610, and the City were present. The case was heard by a panel of three Board members consisting of one employee member, one employer member and the chairman. The State Board of Mediation is authorized to hear and decide issues as to appropriate bargaining unit by virtue of Section 105.525, RSMo 1978.

At the hearing the parties were given full opportunity to present evidence. The Board, after a careful review of the evidence, sets forth the following findings of fact and conclusions of law:

FINDINGS OF FACT

The City of St. Louis Refuse Division employees serve different functions than those of the Street Division. The Refuse Division employees are primarily responsible for the collection and disposal of city trash while the Street Division employees are responsible for the maintenance of city streets and alleys, cleaning and repairing the streets as needed. Each division is headed by different supervisors and are headquartered in separate offices. Also, the employees are regulated by different sets of rules and procedures. The employees of each division have separate work sites and work different hours. Consequently, there is no contact between the two groups on a regular basis. The terms and conditions of employment of the two groups are quite different. The Refuse Division employees must work during adverse weather conditions and on minor holidays. Also, refuse workers receive no compensatory time off for those holidays they must work. In contrast, the Street Division workers receive compensatory time off and do not work under certain weather conditions, and work on holidays only in emergencies.

The laborers employed by both divisions have the same general qualifications and are on the same pay scale. Testimony established that occasionally an employee will transfer from the Street to the Refuse Division. However, only on a rare occasion will

there be a temporary loan of a laborer from one division to another. The only time employees from the Refuse Division work in conjunction with Street Division employees is when both divisions are involved in snow removal operations. In those rare instances --- perhaps once or twice a year --- the refuse employees assist in the operations by throwing salt on the streets.

CONCLUSIONS OF LAW

Local No. 675 has petitioned to be certified as public employee representative of a bargaining unit comprised of all non-management, non-supervisory and non-clerical employees of the City of St. Louis Street Division. Local No. 610 has petitioned to intervene as the public employee representative of a bargaining unit comprised of not only the above-named Refuse Division employees, but also certain employees of the City of St. Louis Street Division. The City has objected only to the certification of a bargaining unit that would include employees from both the Street and Refuse Divisions. The issue before the Board, therefore, is whether employees from both divisions constitute an appropriate bargaining unit or, on the other hand, the employees of each division constitute separate appropriate bargaining units. An appropriate unit is defined by Section 105.500 (1), RSMo 1978, as:

"a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned;"

Missouri statutory law does not provide further guidelines for determining what constitutes a "clear and identifiable community of interest," however, the Board has consistently looked to a number of factors in determining whether employees have such a community of interest. Such factors applicable to this case included the amount of contact between the employees concerned, similarities in pay, terms and conditions of

employment, type of work performed, and whether there is common supervision. A review of those factors clearly demonstrates that the Refuse Division employees do not share a community of interest with the Street Division workers and therefore cannot be included in the same bargaining unit.

There is practically no personal contact between the refuse and street employees. The only time any such contact might occur is when the Refuse Division employees assist in salting the streets during snow removal operations. The contact in those instances occurs only because the employees in both divisions must pick up the salt from the same location. Further, the employees have different work sites, work different hours, and are under different supervision. This almost total lack of contact between the employees and absence of common supervisors strongly supports the conclusion that the two groups have no community of interest.

There is little similarity in the type of work performed by the Street and Refuse Division employees. Each division is a separate entity which serves two separate and distinct functions; i.e., the Refuse Division is responsible for trash pickup and disposal while the Street Division is responsible for maintaining the city streets. The only time the divisions work toward a common goal is during the rare occasion when the refuse employees assist in the snow removal operations. In short, there is no evidence of any similarity in the type of work performed by the employees that would create a community of interest between the two groups.

Although both divisions employ many similarly qualified unskilled and semi-skilled persons, we cannot conclude that there is a community of interest between the two groups. The fact remains that there is practically no similarity in the terms and conditions of employment of the Refuse and Street Division employees. The employees

of each division are subject to different and separate sets of rules and procedures regulating matters concerning their jobs. The refuse employees must work under adverse weather conditions and must work on all minor holidays. Street Division employees, on the other hand, often do not work because of rain or low temperatures and are required to work holidays only in emergencies. Also, unlike the refuse employees, the Street Division workers receive compensatory time for any holidays worked. Clearly, the dissimilarity of the terms and conditions of employment of the street and refuse employees does not support a finding that there is a community of interest among the two groups. Consequently, the Board must conclude that Refuse and Street Division employees combined do not constitute an appropriate bargaining unit. Instead, the employees of each division share a community of interest that necessitates a finding of two separate appropriate bargaining units.

DECISION AND DIRECTION OF ELECTION

DECISION

It is the decision of the State Board of Mediation that the employees dealt with in this case constitute two separate units existing within the Streets Department of the City of St. Louis. They are:

- Unit #1: All non-management employees of the Refuse Division, excluding supervisors, clerical employees and construction equipment operators.
- Unit #2: All non-management employees of the Street Division, excluding supervisors, clerical employees and construction equipment operators.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation among the employees in the unit found appropriate, as early as possible, but

not later than forty-five (45) days from the date below. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the Board's rules and regulations. Eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period, because they were out ill or on vacation. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

It is hereby ordered that the respondent shall submit to the Chairman of the State Board of Mediation, as well as to the petitioner, within seven days from the date of receipt of this decision, an alphabetical list of the employees in the unit determined above to be appropriate who were employed during the designated payroll period.

Entered this 31st day of January, 1980.

STATE BOARD OF MEDIATION

(SEAL)

/s/ Conrad L. Berry
Conrad L. Berry, Chairman

/s/ Stanley Cox
Stanley Cox, Employer Member

/s/ Robert Missey
Robert Missey, Employee Member